

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

LOUIS DIDONNA,

Plaintiff,

v.

OFFICER WALTER KOZA, et al.,

Defendants.

CIVIL ACTION NO. 3:24-cv-01080
(SAPORITO, J.)

ORDER

Now before the court is a report and recommendation of United States Magistrate Judge Susan E. Schwab, in which she recommends that this action be dismissed without further leave to amend. Doc. 6.

Judge Schwab recommends that the plaintiff's claims against the Pennsylvania State Police and the Pennsylvania State Police Blooming Grove Barracks be dismissed for lack of subject-matter jurisdiction, and she recommends that the remaining claims against the other defendants be dismissed for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Judge Schwab recommends that the dismissal be without leave to amend, as any further amendment would be futile. She also recommends that this case be closed.

No objections have been filed to the report and recommendation,

resulting in the forfeiture of de novo review by this court. *See Nara v. Frank*, 488 F.3d 187, 194 (3d Cir. 2007); *Henderson v. Carlson*, 812 F.2d 874, 878–79 (3d Cir. 1987).

Following an independent review of the report and the record, and having afforded “reasoned consideration” to the uncontested portions of the report, *E.E.O.C. v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017), we are satisfied “that there is no clear error on the face of the record,” Fed. R. Civ. P. 72(b) advisory committee note to 1983 amendment. We find Judge Schwab’s analysis to be well-reasoned and fully supported by the record and applicable law. Accordingly, the court will adopt the report and recommendation in its entirety as the decision of the court.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. The report and recommendation of Judge Schwab (Doc. 6) is **ADOPTED**;
2. The plaintiff’s claims against the Pennsylvania State Police and the Pennsylvania State Police Blooming Grove Barracks are **DISMISSED** for lack of subject-matter jurisdiction;
3. The remainder of the plaintiff’s claims against the other defendants are **DISMISSED** for failure to state a claim upon which relief

can be granted, without further leave to amend;

4. Any appeal from this order is deemed to be frivolous and not taken in good faith, *see* 28 U.S.C. § 1915(a)(3); and
5. The clerk shall mark this case as **CLOSED**.

Dated: October 10, 2024

s/Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
United States District Judge